

Exhibit A

TOBLER LAW OFFICE, LC

E. GREGG TOBLER
gtobler@toblerlawoffice.net

October 18, 2018

Via Email / First Class Mail

president@uvu.edu / KClemes@uvu.edu /
linda.makin@uvu.edu

Astrid S. Tuminez , President
Linda Makin, Vice President
Utah Valley University
800 West University Parkway
Orem, UT 84058-5999

Karen M. Clemes, General Counsel
Utah Valley University
800 West University Parkway
Orem, UT 84058-5999

**Re: Dr. Kemal Makasci – Wrongful Termination / Retaliation
Notice of Intent to File Suit**

Dear Dr. Tuminez, Ms. Makin and Karen:

I continue to represent Dr. Kemal Makasci, a former tenured Associate Professor at Utah Valley University ("UVU"). Dr. Makasci's employment was wrongfully terminated by the University on October 20, 2017, after fourteen (14) years of exemplary service.

Dr. Makasci initially sought reinstatement by participating in the internal appeal process at UVU. However, participation in that process only left him with additional damages based on a denial of due process and substantive conflicts of interest. Dr. Makasci subsequently filed a Discrimination Charge with the Equal Employment Opportunity Commission (EEOC) on August 15, 2017. The EEOC chose not to investigate the Charge and issued a Right to Sue Letter on August 1, 2018.

The purpose of this letter is to advise you that Dr. Makasci continues to assert a legal claim against UVU for wrongful termination and for unlawful retaliation. Specifically, he asserts that the alleged conduct he is accused of was misinterpreted and that the investigation into the alleged conduct was mishandled. These actions resulted in the decision to terminate his employment after nearly a year on suspension.

It is Dr. Makasci's intent to file a civil lawsuit against UVU within the next ten (10) days. Statutory notice was previously provided to the University pursuant to my previous notice and demand letter(s). Since our last correspondence, the former Title IX Office Director, Melissa Frost, has also been fired and has filed a lawsuit against the University. She also alleges wrongful termination and damages. We have been watching this case very closely since it was

Ms. Frost who conducted the initial investigation(s) into Dr. Makasci's alleged "inappropriate" conduct. There are also significant parallels between Ms. Frost's case and Dr. Makasci's case.

In the Answer filed by the University in the Frost case, and also in its Motion to Dismiss (and attached Exhibits), the University admits that many of Ms. Frost's investigations were improperly conducted and were fundamentally flawed. With regard to Dr. Makasci's case, we could not agree more.

In Linda Makin's Notice of Intent to Terminate Employment of Melissa Frost (attached to the University's Motion as Exhibit C and dated June 9, 2017), Ms. Makin states: "Your inconsistent ability to appropriately conduct investigations in a timely and professional manner in compliance with UVU policies is creating liability for the University." Ms. Makin continues: "Specific concerns include unprofessional interactions with parties, inconsistent, unclear, and/or untimely communication with parties and stakeholders; lack of timeliness in concluding and/or documenting investigations ..." etc. "Specific concerns include inadequate tracking and documentation of complaints and status of investigation process, ineffective communication within the office and with investigators to ensure consistency, clarity and timeliness in response to reports and complaints and in conducting investigations..." We also agree with these statements.

Were it not for the botched investigations into Dr. Makasci's alleged conduct, and the mishandling of the complaints against him and the complaints he made, there is no question that Dr. Makasci would still be employed with the University. Ms. Frost was intimately involved in the investigations of Dr. Makasci's conduct during the relevant period. Just as stated in Ms. Makin's letter, we have long asserted that Ms. Frost's investigations and communications were inconsistent with UVU policy and that they were fundamentally inaccurate and unfair.

In a final attempt to resolve this dispute, Dr. Makasci has requested that I communicate directly with you and see if there is an opportunity to reach an amicable result so that the parties will not have to engage in costly and unpredictable litigation. In connection with his case for wrongful termination and for unlawful retaliation, Dr. Makasci seeks the following remedies:

1. Reinstatement to his former Position;
2. An Established Track or Opportunity for Promotion to Full Professor;
3. Backpay from October 20, 2017, to present;
4. Purge of any Negative References in his Personnel File;
5. Reimbursement of Medical Expenses and Attorney's Fees

Dr. Makasci has suffered a great deal in connection with the wrongful termination of his employment. He has suffered physically and emotionally. He has been unable to find alternate employment. His previously untarnished reputation has been severely damaged as a result of his suspension and termination on spurious charges. It is clear now that the investigation (or investigations) regarding his alleged conduct were tainted and can now be viewed in the proper lens.

Upon receipt of this letter, please consider this matter carefully and let me know prior to Wednesday, October 24, 2018, if you would like to engage in a productive discussion to resolve this dispute. Thank you for your consideration.

Very Truly Yours,

TOBLER LAW OFFICE, LC


E. Gregg Tobler

Cc: Kemal Makasci